

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

CIVIL ACTION NO.: 5:23-cv-00656-D

JURGIS ADOMAVICIUS,)	
)	
Plaintiff,)	DEFENDANT INTERNATIONAL
)	BUSINESS MACHINES
v.)	CORPORATION'S MOTION FOR
)	EXTENSION OF TIME TO MOVE,
INTERNATIONAL BUSINESS)	SERVE AN ANSWER OR
MACHINES CORPORATION,)	OTHERWISE PLEAD
)	
Defendant.)	

NOW COMES Defendant International Business Machines Corporation (“IBM” or “Defendant”), by and through its undersigned counsel and, pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and Local Civil Rule 6.1(a), moves this Court for an Order extending the time allowed to move, serve and answer or otherwise plead to Plaintiff’s Complaint for Employment Discrimination (“Complaint”). In support of this Motion, Defendant states:

1. Plaintiff Jurgis Adomavicius (“Plaintiff”) filed this action on November 16, 2023 in the United States District Court for the Eastern District of North Carolina. [DE # 1.]
2. The Court issued a Summons as to Defendant that same day, addressed to International Business Machines Corporation, 160 Mine Lake Court Suite 200, Raleigh, NC 27615. [DE # 4.]
3. On November 28, 2023, Plaintiff filed a *Summons Returned Executed* indicating that Plaintiff attempted service of process on Defendant by sending a copy of the summons and complaint by certified mail, return receipt requested. However, according to the U.S. Postal Services Certified Mail Receipt, it appears Plaintiff directed the mailing to “IBM” at 160 Mine Lake Court, Raleigh, NC 26615. The U.S. Postal Service “Tracking Intranet Delivery Signature and Address” identifies that it

was received at 160 Mine Lake Court, with no suite number listed, on November 18, 2023. [DE # 5.]

4. Based upon the date of Plaintiff's attempted service of process, the time for Defendant to respond to the Complaint is December 11, 2023. Fed. R. Civ. P. 6(a)(1).

5. Thus, the time has not yet expired for Defendant to move, serve an answer or otherwise plead to Plaintiff's Complaint.

6. Upon information and belief, service was not properly effectuated on Defendant, as it does not appear that the mailing was properly addressed to Defendant's agent, nor did the mailing appear to include the complete address (including suite number) for same.

7. Assuming service was effectuated, the undersigned has only recently been retained to represent Defendant in this matter and requires additional time to conduct an appropriate investigation into Plaintiff's allegations, so that it can adequately prepare and serve a responsive pleading on behalf of Defendant to the Complaint.

8. In addition, the undersigned hopes to confer with Plaintiff, who is appearing pro se, on any service related defects so the parties can resolve same.

9. Accordingly, in the event service was properly effectuated, Defendant is seeking extensions of time to move, serve an answer or otherwise plead to Plaintiff's Complaint, to and including January 10, 2024.

10. The undersigned learned of Plaintiff's attempt to serve process this evening and attempted to confer with Plaintiff *via* email to obtain consent to this thirty (30) day extension of time to and including January 10, 2024, for Defendant to move, serve an answer or otherwise plead to the Complaint. Plaintiff has not yet responded to the undersigned's email.

11. Defendant files this request without waiving any defenses to the claims asserted by Plaintiff, whether substantive, procedural or otherwise, or conceding that Plaintiff has alleged claims

upon which relief may be granted or perfected service of the Complaint in compliance with the Federal Rules of Civil Procedure.

12. There is good cause for this Motion.

13. This Motion is not being made for the purpose of delay but is made based upon the need for time to prepare a response.

WHEREFORE, Defendant respectfully requests that its motion for an extension of time to move, serve an answer or otherwise plead be GRANTED and that Defendant be allowed up to and including January 10, 2024 to move, serve an answer or otherwise plead to Plaintiff's Complaint.

Respectfully submitted, this the 11th day of December, 2023.

JACKSON LEWIS P.C.

BY: /s/ Jason V. Federmack
JASON V. FEDERMACK
N.C. State Bar No. 46014
3737 Glenwood Avenue, Suite 450
Raleigh, NC 27612
Telephone: (919) 760-6460
Facsimile: (919) 760-6461
Email: jason.federmack@jacksonlewis.com
Attorney for Defendant IBM

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Defendant.